AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

EX PARTE OR LATE FILED

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PRESIDENT
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December 16, 1997

Secretary
Federal Communication Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: EX PARTE PRESENTATION, WT Docket No. 97-153

To the Office of the Secretary:

The American Speech-Language-Hearing Association (ASHA) representing more than 91,000 audiologists, speech-language pathologists, and hearing and speech- language scientists nationwide, respectfully submits ex parte comments on WT Docket 97-153, Amendments to Part 90 of the Commission's Rules concerning Private Land Mobile Radio Services. ASHA has a long history of supporting the exclusive use of band 216-217 MHz for low power educational and health care related devices. Please refer to the attached letter and documents dated July 17, 1995.

In the July 17, 1995 comments, ASHA is on record supporting the Commission's efforts to create a new Low Power Radio Service and its opening of the 216-217 MHz band for wireless assistive listening devices for use by individuals with hearing loss. ASHA noted at that time that high power systems utilizing the 72-76 MHz band had caused significant interference with the transmission of low power systems such as FM auditory listening devices used by children in educational settings and adults in the workplace.

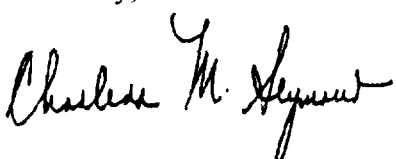
ASHA is concerned the problematic interference situation experienced by wireless assistive listening device users in bands 72-76 MHz will be repeated if bands 216-217 are not restricted to low power users, specifically educational and health care related devices. ASHA notes the protection of these bands is in accordance with the goals of the Americans with Disabilities Act (ADA) of 1990, the Individuals with Disabilities Education Act (IDEA), the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 (Tech Act) and Section 255 of the Telecommunications Act of 1996.

ASHA recommends the Commission also clarify the relationship between Part 90 (licensed) transmitters to Part 15 (unlicensed) transmitters. Licensure for private use of wireless assistive listening devices would put an undue burden upon citizens with hearing

loss who depend upon such devices to understand conversation at home, in the workplace and in educational environments. Assistive listening device users should not however be placed at a disadvantage at the Federal Communications Commission in interference complaints or priority band usage disputes. ASHA recommends no priority status should be given to licensed Part 90 transmitter users over Part 15 unlicensed transmitter users.

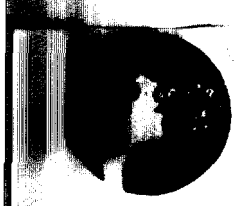
ASHA thanks the Commission for the opportunity to submit these ex parte comments. If you have any questions or would like more information, please contact Evelyn James Williams or Holly S. Kaplan, Audiology Division, at (301) 897-5700.

Sincerely,



Charlena M. Seymour, Ph.D.

Enclosure



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EX PARTE OR LATE FILED

July 17, 1995

Secretary
Federal Communication Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

To the Office of the Secretary:

The American Speech-Language-Hearing Association (ASHA), representing more than 81,000 audiologists, speech-language pathologists, and hearing and speech scientists nationwide, respectfully submits comments in the matter of Amendment of the Commissions Rules Concerning Low Power Radio and Automated Maritime Telecommunications Systems Operations in the 216-217 MHz Band, WT Docket No. 95-96. ASHA applauds the Commission's efforts to create a new Low Power Radio Service and open up the 216-217 MHz band to educational and health care uses. ASHA encourages the Commission to adopt the proposed rules so that children and adults who have communication disorders may benefit from interference-free use of assistive listening devices.

ASHA endorses the comments that Phonic Ear, Inc. filed with the Commission on July 17, 1995. Their comments suggested ways to ensure that the usefulness of the 216-217 MHz band for low power devices not erode over time, that power by all users of the band be restricted to very low levels, and that general consumer devices be prohibited, both to ensure the efficacy of equipment in the band and to protect television and other eligible devices from interference.

ASHA thanks the Commission for the opportunity to submit the enclosed comments. If you have any questions or would like more information, please contact Evelyn Williams, Director of the School Services Branch or Evelyn Cherow, Director of the Audiology Division, at (301) 897-5700.

Sincerely,

Frederick T. Spahr
Executive Director

enclosure

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Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of the Commission's Rules Concerning Low Power Radio and Automated Maritime Telecommunications Systems Operations in the 216-217 MHz Band	)	**WT Docket No. 95-96**

To: The Commission - Mail Stop 1170

Comments of:

American Speech-Language-Hearing Association
Frederick T. Spahr
Executive Director
10801 Rockville Pike
Rockville, MD 20852
(301) 897-5700

July 17, 1995

The American Speech-Language-Hearing Association (ASHA), representing more than 81,000 audiologists, speech-language pathologists, and hearing and speech scientists nationwide, respectfully submits the following comments requested by the Federal Communications Commission (FCC) in the matter of Amendment of the Commission's Rules Concerning Low Power Radio and Automated Maritime Telecommunications System Operations in the 216-217 MHz Band.

ASHA supports the Commission's proposal to create a new Low Power Radio Service (LPRS) and to open up the 216-217 MHz band to

educational and health care uses. The passage of this rule will be a significant step toward supporting the goal of the Americans with Disabilities Act (ADA) of 1990, the Individuals with Disabilities Education Act (IDEA), and the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 (Tech Act): to assure that children and adults with hearing loss have access to auditory communication via FM-transmitted hearing assistive technology.

Developments in technology have created a wide range of opportunities for people with communication disorders to utilize and access auditory information through amplified signals sent via radio frequency bands in previously inaccessible environments. Ironically, however, concurrent technology developments such as wide-area paging systems and the wireless mouse have reduced the benefits derived from the availability of hearing assistive devices. A common complaint lodged by purchasers of the equipment and consumers is that higher power systems such as pagers and other devices utilizing the 72-76 MHz band cause significant interference with the transmission of LPRS systems such as FM auditory assistance devices. This interference has become a major problem for those utilizing FM systems and other wireless auditory assistance devices because LPRS systems and auditory assistive devices are secondary users of the 72-76 MHz band.

Many of ASHA's audiologists who work in educational settings report that students using FM auditory assistance devices complain that their teachers' transmissions are often interrupted by outside radio transmissions. In many instances, school systems have had to change the frequency of FM devices to eliminate the problem of constant interference. This is an expensive and time-consuming process that burdens school administrators and drains resources. When this occurs, students cannot learn and lose the needed benefit obtained from listening through interference-free auditory assistance devices.

The use of radio transmission amplification devices in the schools is no longer limited to students with hearing loss. Many school systems are utilizing wireless classroom amplification systems to enhance the reception of teachers' spoken instruction, facilitate learning of foreign languages, reduce teacher vocal fatigue, and enhance the listening environment for all students. Based on the premise that students as well as teachers benefit from classroom amplification, many school systems are installing wireless amplification systems in all of their classrooms. As more and more classrooms are equipped with wireless amplification devices, the availability of frequencies within the 72-76 MHz bands that are interference-free diminishes.

The interference in the use of large area amplification systems in public assembly areas presents additional problems for

business owners and local governments attempting to comply with ADA mandates. ADA regulations require that for function areas where communication is an integral part of the activities and a primary purpose of the room (e.g., meeting rooms, assembly areas, theaters, live entertainment performance areas, and convention centers), communication access for people with disabilities is assured. Areas with seating for 50 or more people or areas with an audio-amplification system must have an assistive listening system with receivers for a minimum of 4% of the seats. For new construction, a permanent system is required. Adults with hearing loss and assistive device needs will benefit from interference-free auditory communication provided by the availability of products utilizing the 216-217 MHz bands.

ASHA recognizes that the Commission's proposal to license LPRS will discourage improper or unlawful use of equipment and will help equipment manufacturers to develop and users to purchase interference-free devices. However, licensing requirements for LPRS systems, especially those used in school systems, or by businesses that employ people with hearing loss, may create undue administrative and financial burdens and delay or prohibit the provision of devices to students and employees. Licensing requirements may also deter individuals who wish to purchase a wireless assistive device for their personal use from doing so. Exemptions for individuals and some public and private organizations may be necessary.

RECOMMENDATIONS

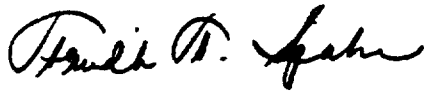
ASHA makes the following recommendations:

- that the Commission designate the 216-217 MHz band frequency for LPRS use;
- that LPRS be considered secondary only to television channel 13;
- that the power of devices on this band be limited; and
- that licensing requirements for LPRS be waived for individuals, school systems, and some private and public organizations, and be applied to commercial users such as arenas and concert halls.

These designations and restrictions will help eliminate improper, ineligible, and undesired use of the 216-217 MHz band and create more opportunities for wireless assistive listening devices to be properly utilized. This bandwidth allocation will enable infants and children with hearing loss and other communication disorders, students in regular and special education settings, and children at risk for developmental or educational delays to have access to and benefit from oral communication through the use of assistive listening devices on interference-free frequencies as mandated by IDEA, ADA, and the Tech Act. Adults will benefit from having access to communication that people with normal hearing take for granted.

The need to provide access to auditory communication for persons with hearing loss is a civil rights issue of great importance. The ADA, IDEA, and Tech Acts underscore this country's commitment to providing equal access to services by meeting the communication needs of persons with hearing loss. Authorization of the new LPRS use in the 216-217 MHz band for short range and limited use (i.e., auditory assistance, health care, and law enforcement tracking devices) would eliminate a major obstacle to meeting the goals of federal mandates and would allow accessibility for children and adults in need of hearing assistive technology via interference-free radio frequency transmission.

Respectfully submitted,



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